

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: MOU with FDOT for C 470 ROW Acquisition near I-75 (staff recommends approval)

REQUESTED ACTION: Recommend BOCC approval

☐ Work Session (Report Only)

☒ Regular Meeting

DATE OF MEETING: 3/8/2011

☐ Special Meeting

CONTRACT: ☐ N/A

Effective Date: _____

Managing Division / Dept: _____

Vendor/Entity: FDOT

Termination Date: _____

Public Works Division

BUDGET IMPACT:

☐ Annual

☐ Capital

☒ N/A

FUNDING SOURCE: _____

EXPENDITURE ACCOUNT: _____

HISTORY/FACTS/ISSUES:

FDOT project number FPN 242626-3 plans to improve the interchange at I-75 @ C 470. To do so, FDOT needs to acquire right of way along C 470, and work in the County's existing right of way (ROW) , in order to widen the roadway, ensure proper access to businesses in the area of the interchange, and ensure continued access to the County's Shady Brook Greenway Park.

The attached MOU is the vehicle by which the County would allow FDOT to work in the County ROW, by which FDOT will acquire other real property, and by which acquired property will be conveyed to the County once the road widening project has been completed.

Property acquired by FDOT and needed for I-75 operations will be retained by FDOT.

See enclosed map for a general depiction of the County ROW and other property needed by FDOT to improve the interchange area. This aerial also shows the current plan and associated property needed to maintain access to Shady Brook Greenway Park, due to the change to the limited access areas of the interchange brought about by the project.

Note that the new access to Shady Brook Park will expand the CSX crossing and could dictate closure of 1-2 railroad crossings elsewhere in the County. FDOT is coordinating with CSX on this issue in an effort to negate or limit this potential impact.

Attachments: MOU and aerial of area.

MEMORANDUM OF UNDERSTANDING

THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

And

**SUMTER COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA**

WHEREAS, the State of Florida, Department of Transportation, an Executive Agency of the State, hereinafter "Department" and Sumter County, Florida, a political subdivision of the State of Florida, hereinafter "County" desire to enter into this Memorandum of Understanding to memorialize their agreement and understanding as to acquisition, ownership and conveyance of real property associated with the Department's Project, FPN 242626-3; and

WHEREAS, the Department and the County hereby make these commitments so as to enable the other parties to rely on the other and to move forward with the Department's Project.

NOW THEREFORE, in consideration of the foregoing and on the basis of establishing the expectations of the obligations of each party hereto, the parties agree as follows:

1. The Department and the County agree and understand that the Department will be required out of necessity to acquire certain real property to undertake and to construct the Department's Project at I-75 and CR 470.

2. The parties agree and understand that the Department will need to enter onto and to perform work within the County's right of way for CR 470 and that this Memorandum of Understanding shall serve as the Department's permit to do so.

3. It is expected that the Department will need to acquire real property to enable the Department to undertake and to complete its Project. The Department shall acquire the real property in the Department's name and the Department shall retain ownership and control of the real property acquired during the construction of the Project. At the completion of construction, the Department shall convey to the County any and all property that is needed for CR 470 and the Department shall retain all property necessary for I-75. The County hereby agrees to accept the conveyance of the real property associated with CR 470 from the Department once construction is complete.

4. This Memorandum of Understanding shall become effective upon execution by the last party to sign and no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

5. The COUNTY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

A. All persons employed by the COUNTY during the term of the Contract to perform employment duties within Florida; and

B. All persons, including subcontractors, assigned by the COUNTY to perform work pursuant to the contract with the Department.

6. All notices required pursuant to the terms hereof shall be sent by First Class United States Mail. Unless prior written notification of an alternate address for notices is sent, all notices shall be sent to the following addresses:

DEPARTMENT

Todd Long or Designee
Project Management Supervisor
719 South Woodland Boulevard
DeLand, Florida 32720
(386) 943-5558
todd.long@dot.state.fl.us

COUNTY

Public Works Director or Designee
319 East Anderson Avenue
Bushnell, Florida 33513
PH: (352) 793-0240

IN WITNESS WHEREOF, the parties hereto have caused these present to be executed on the date listed below.

**FLORIDA DEPARTMENT OF
TRANSPORTATION**

By: _____
Noranne B. Downs
District Secretary

Date: _____

Legal Review:

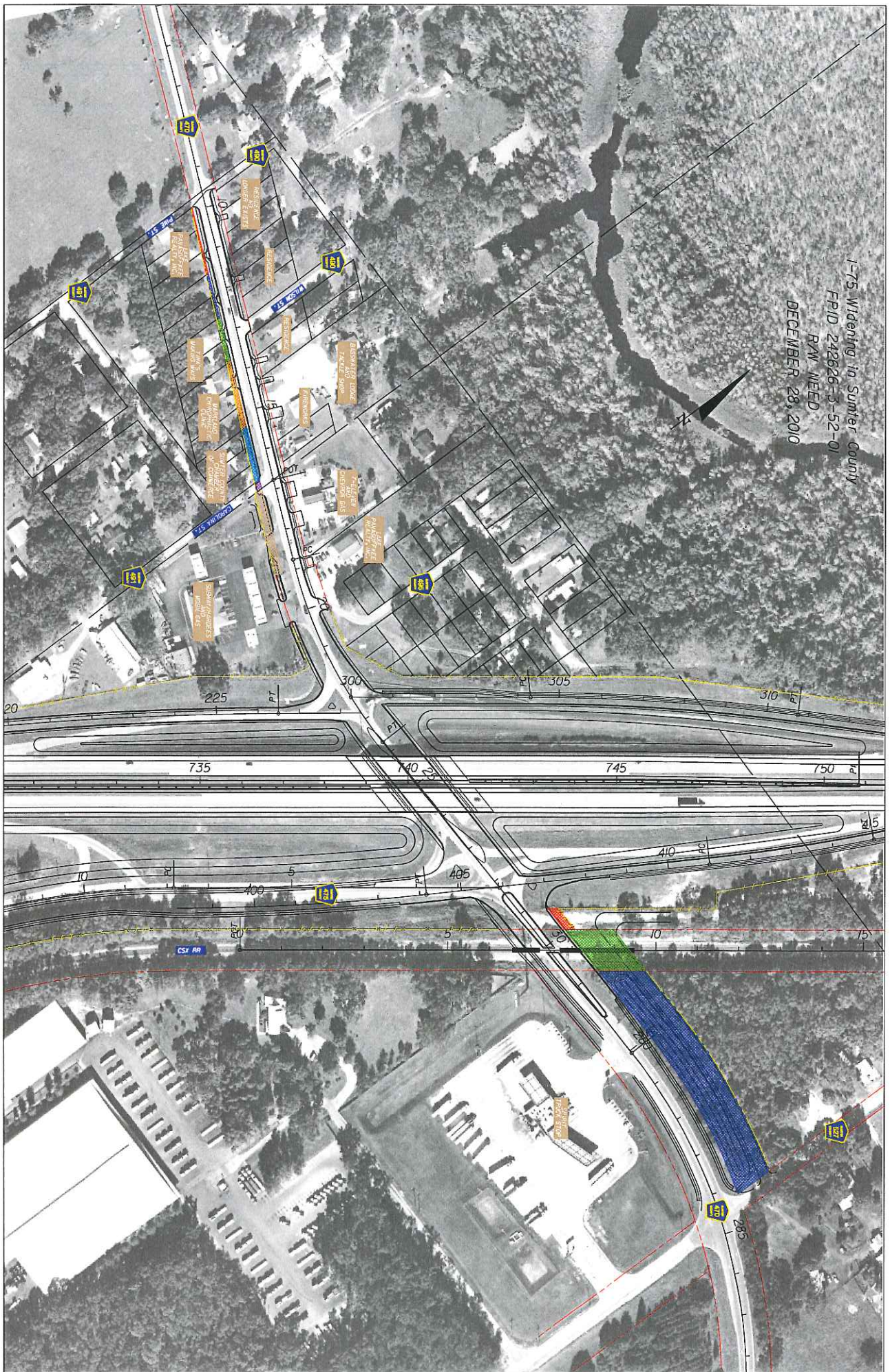
SUMTER COUNTY, FLORIDA

By: _____
Don Burgess, Chair
Board of County Commissioners

Date: _____

_____, Clerk to the
Board of County Commissioners in and
for the County of Sumter

Legal Review



I-75 Widening in Sumter County
FPID 242626-3-52-Q
RW NEED
DECEMBER 28, 2010